

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
SELENA STALEY, VIVIAN HOLMES, and OLIVE :
IVEY, on behalf of themselves and all others similarly :
situated, :

Plaintiffs, :

v. :

FSR INTERNATIONAL HOTEL INC. d/b/a FOUR :
SEASONS HOTELS AND RESORTS, HOTEL 57 :
SERVICES, LLC, HOTEL 57, LLC, TY WARNER :
HOTELS & RESORTS, LLC, and H. TY WARNER :

Defendants. :

----- X

Case No.: 22-CV-6781 (JSR)

**DECLARATION OF
CATHY HWANG**

I, Cathy Hwang, pursuant to 28 U.S.C. § 1746, state and declare as follows:

1. I am the Vice President, Treasurer and Secretary of defendants Hotel 57 Services, LLC and Hotel 57, LLC and I am the Chief Financial Officer for Ty Warner Hotels & Resorts, LLC. I have held this position since 2020. I have personal knowledge of the facts set forth in this Declaration.

2. I submit this declaration on behalf of Defendants Hotel 57 Services, LLC, Hotel 57, LLC, Ty Warner Hotels & Resorts, LLC and H. Ty Warner's opposition to Plaintiffs' motion for class certification dated May 10, 2024.

3. The Four Seasons Hotel New York is a landmark 52-story, I.M. Pei designed, 5-star hotel located at 57 East 57th Street in New York City (the "Hotel").

4. Hotel 57 Services, LLC, Hotel 57, LLC and Ty Warner Hotels & Resorts, LLC are separate and distinct companies.

5. Hotel 57 Services, LLC is (and has been since January 2020) the employer of Selena Staley, Vivian Holmes, Olive Ivey and the other non-union workers at the Hotel.

6. Hotel 57 Services, LLC has an employment contract with its non-union workers at the Hotel (including Selena Staley, Vivian Holmes and Olive Ivey) that set out the required terms and conditions of employment of its non-union employees who work at the Hotel. This employment contract is titled U.S. EmPactSM Employee Handbook, revised February 1, 2018, and is referred to as the “EmPact Agreement”.

7. Hotel 57 Services, LLC is the employer signatory to the EmPact Agreement.

8. Hotel 57 Services, LLC is (and has been since January 2020) the employer of a majority of the union workers at the Hotel.

9. Hotel 57 Services, LLC has union contracts (collective bargaining agreements) that set out the required terms and conditions of employment of its union employees who work at the Hotel.

10. Hotel 57 Services, LLC’s union employees are not covered by the terms of the EmPact Agreement.

11. Hotel 57 Services, LLC’s non-union employees are not covered by the terms of any union contract.

12. Hotel 57, LLC is a Delaware limited liability company.

13. Hotel 57, LLC is the owner of the Hotel building and property.

14. Hotel 57, LLC does not employ any employees.

15. Hotel 57, LLC is a signatory to a hotel management agreement with the Hotel’s operator, FSR International Hotels, Inc., which manages the Hotel.

16. Ty Warner Hotels & Resorts, LLC is a Delaware limited liability company.

17. Ty Warner Hotels & Resorts, LLC does not have (and never had) an ownership interest in the Hotel.


18. Ty Warner Hotels & Resorts, LLC does not have (and never had) an ownership interest in Hotel 57, LLC.

19. Ty Warner Hotels & Resorts, LLC does not have (and never had) an ownership interest in Hotel 57 Services, LLC.

20. Ty Warner Hotels & Resorts, LLC is not a signatory to a hotel management agreement with respect to the Hotel, the EmPact Agreement or any union contract covering Hotel 57 Services, LLC's union employees working at the Hotel.

21. I declare under the penalty of perjury that the foregoing is true and correct.

Dated: May 30, 2024



Cathy Hwang